

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,025

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare requiring one of her daughter's and that daughter's child to be included in the petitioner's household for Food Stamps. The issue is whether the petitioner's daughter and the daughter's child can be considered a separate household under the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner resides with her husband, their five children, and one grandchild. Two years ago, one of the petitioner's daughters began receiving ANFC as a separate household for herself and her own child. Prior to June 1, 1997, the daughter and her child also received Food Stamps as a separate household of two persons; and the remaining six family members received a separate grant of Food Stamps as a household of six persons.

The Department conducted a routine periodic review of the petitioner's case in March, 1997. In May, 1997, the Department notified the petitioner and her daughter that effective June 1, 1997, due to a change in the regulations, the petitioner's daughter and the daughter's child would have to be included in the petitioner's Food Stamp household. This resulted in the petitioner's Food Stamp household going from six to eight persons. However, because the daughter's income was now deemed available to the rest of the household, it resulted in only a small increase (from \$300 to \$307 a month) in the petitioner's Food Stamps. This was more than offset by the daughter and her child losing their separate Food Stamp eligibility altogether.

The petitioner's daughter who has the child is under
twenty-two years old.

ORDER

The Department's decision is affirmed.

REASONS

The regulation in question, Food Stamp Manual § 273.1, was amended (along with many other sections of the regulations pursuant to extensive changes in the federal Food Stamp statute) effective January 1, 1997. Prior to that time children under twenty-two years of age who lived with their parents and their own children, and who with their children purchased and prepared food separately from their parents, could obtain separate household status for themselves and their children.

The new regulation removes the provisions regarding children under twenty-two being allowed separate household status from their parents under any circumstances. It now contains only the provision that all "parent(s) living with their natural, adopted or step-children twenty-one years of age or younger" must "be considered as customarily purchasing food and preparing meals together, even if they do not do so". Id. § 273.1(a)(2).

Inasmuch as the Department's decision in this matter is in accord with the regulations as amended the board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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